IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 13TH AUGUST 2007 / 22ND SRAVANA 1929

WP(C).No. 29797 of 2006(V)

PETITIONER:

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1. V.S.SHAJIMON,
   VALICKAL HOUE, KANJIRAPPALLY P.O.,
   KOTTAYAM DISTRICT.

2. V.S.HAFEES KHAN,
   VALICKAL HOUSE,
   KANJIRAPPALLY. P.O.,
   KOTTAYAM DISTRICT.

BY ADV. SRI.V.P.SUKUMAR

RESPONDENTS:

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1. THE INTELLIGENCE OFFICER,
   SQUAD NO.1, COMMERCIAL TAXES, KOTTAYAM.

2. THE DEPUTY TAHSILDAR (RR),
   TALUK OFFICE,
   KANJIRAPPALLY.

3. JABEENA HAFEES,
   PROPRIERIX, VALICKAL TRADERS,
   KANJIRAPPALLY, KOTTAYAM DISTRICT.

BY ADV. SRI.C.K.SASI
ADV. SHRI.C.K.GOVINDAN, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) No. 29797/2006

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF THE RR NOTICE DATED 25/07/2005 UNDER SECTION 7 OF THE RR ACT ISSUED TO THE PETITIONERS AND 3RD RESPONDENT BY 2ND RESPONDENT.

P2 : COPY OF THE RR NOTICE DATED 25/07/2005 UNDER SECTION 34 OF THE RR ACT ISSUED TO THE PETITIONERS AND 3RD RESPONDENT BY 2ND RESPONDENT.

P3 : COPY OF THE MAHAZAR DATED 03/07/2006 PREPARED BY THE VILLAGE OFFICER, KANJIRAPPALLY WHILE ATTACHING THE MOVABLE PROPERTIES OF THE 1ST PETITIONER.

// TRUE COPY //

PA TO JUDGE.

jg

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 29797 of 2006

Dated, this the 13th day of August, 2007

J U D G M E N T

Petitioners are challenging recovery proceedings on the ground that their liability under the bond executed is only Rs. 3 lakhs. Learned Government Pleader submitted that the liability of each of the petitioner is Rs. 3 lakhs each under the bond executed. The Form 6 Bond executed is not produced in Court by the petitioners. I do not think any adjudication is required in this regard because the authority itself can decide, the nature of the bond and the liability of each of the petitioners or the combined liability of the petitioners. This writ petition is, accordingly, disposed of directing 1st respondent to hear petitioners and pass orders, based on the terms of the security bond executed about the extent of liability of each of the petitioners and forward copies of the orders to the 2nd respondent for proceeding for recovery. If petitioners have any grievance about the orders so passed by the 1st respondent, petitioner can challenge the same. This writ petition is closed with the above observations.

(C.N.RAMACHANDRAN NAIR, JUDGE.)

jg